



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

mw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,978	04/28/1999	LYNN E. SPITLER	204372000301	5058
25225 7590 02/25/2004 MORRISON & FOERSTER LLP 3811 VALLEY CENTRE DRIVE SUITE 500 SAN DIEGO, CA 92130-2332			EXAMINER GAMBEL, PHILLIP	
			ART UNIT 1644	PAPER NUMBER

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

09/200978

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
1644	02232004

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**  
Commissioner of Patents

Upon a review of the instant application, the examiner has noted that claims 13, 15, 16 and 18-24 as they read on PSMA as the elected invention are pending and are on appeal (see Status of Claims in the Examiner's Answer).

However, the Examiner's Answer includes the rejection of claims 16 and 19, even though these claims are drawn to the non-elected species PAP.

After bringing this discrepancy to applicant's attention, applicant's representative Laurie Hill agreed with the examiner that claims 16 and 19 should have been withdrawn from consideration by the examiner 37 CFR 1.142(b), as being drawn to a nonelected invention and/or species as the proper status of claims 16 and 19 in the instant application. See the attached Interview Summary with Laurie Hill on 1/12/04.

Therefore in the instant application, claims 13, 15, 18 and 20-24 are rejected under 35 U.S.C. § 103(a) and not claims 13, 15, 16 and 18-24 as currently indicated in the Examiner's Answer and appellant's Brief on Appeal.

The examiner apologizes for any inconvenience to applicant or to the Board of Appeals in this manner.

The Reply Brief filed 11/12/03 has been entered and considered but no further response by the Examiner is deemed necessary. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

The examiner requests the opportunity to present arguments at the oral hearing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Phillip Gambel".

Phillip Gambel, PhD.

Primary Examiner

Technology Center 1600

Group 1640

February 23, 2004